



February 8, 2005

SENATE BILL No. 483

DIGEST OF SB 483 (Updated February 7, 2005 11:37 am - DI 102)

Citations Affected: IC 3-5; IC 3-10; IC 3-11; IC 9-24.

Synopsis: Voter identification. Requires a precinct election officer to ask a voter to provide proof of identification before the voter is permitted to vote. Provides that a proof of identification is a document issued by the United States or the state of Indiana that shows the name of the individual to whom the document was issued and a photograph of that individual or acceptable alternative proofs of identification for a voter who has a religious objection to being photographed or otherwise does not have a photographic identification. Permits the use of an expired document as proof of identification if the document expired after the date of the most recent general or municipal election.

Effective: Upon passage; July 1, 2005.

Heinold, Lawson C, Hershman

January 18, 2005, read first time and referred to Committee on Elections and Civic Affairs.
February 7, 2005, amended, reported favorably — Do Pass.

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SB 483—LS 7899/DI 75+



February 8, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 483

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 40.5. "Proof of identification" refers to a document**
4 **or documents that satisfy all of the following:**

5 (1) **The document shows the name of the individual to whom**
6 **the document was issued.**

7 (2) **The document:**

8 (A) **shows a photograph of the individual to whom the**
9 **document was issued;**

10 (B) **was issued by the bureau of motor vehicles under**
11 **IC 9-24-16-3.5 to an individual who has a religious**
12 **objection to being photographed; or**

13 (C) **satisfies the documentation requirements:**

14 (i) **issued by the bureau of motor vehicles under**
15 **IC 9-24-11-2; and**

16 (ii) **used by the bureau as proof of identification for the**
17 **new issuance of a driver's license, permit, or**



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identification card.

(3) The document is unexpired, or if the document is expired, it expired after the date of the most recent general or municipal election.

(4) The document was issued by the United States or the state of Indiana.

SECTION 2. IC 3-10-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) A voter who desires to vote must give the voter's name and political party to the poll clerks of the precinct on primary election day. The poll clerks shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (d), the voter's current residence address.

(3) The name of the voter's party.

(b) The poll clerks shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

(d) After December 31, 2005, each line on a poll list sheet provided to take a voter's current residence address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

(e) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

SECTION 3. IC 3-11-8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

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(1) The voter's name.

(2) The voter's current residence address.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide a proof of identification.

~~(c) (d)~~ This subsection applies after December 31, 2003. The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present a piece of identification described in subsection ~~(d)~~ (e) to the poll clerk.

~~(d) (e)~~ This subsection applies after December 31, 2003. As required by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) a current and valid photo identification; or

(2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(e) (f)~~ This subsection applies after December 31, 2003. If a voter presents a document under subsection ~~(d)~~ (e), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

~~(f) (g)~~ This subsection applies after December 31, 2003. If a voter required to present documentation under subsection ~~(d)~~ (e) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall

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1 provide a provisional ballot to the voter under IC 3-11.7-2.

2 ~~(g)~~ **(h)** ~~This subsection applies after December 31, 2003.~~ The
3 precinct election board shall advise the voter that the voter may file a
4 copy of the documentation with the county voter registration office to
5 permit the provisional ballot to be counted under IC 3-11.7.

6 ~~(h)~~ **(i)** This subsection does not apply to a precinct in a county with
7 a computerized registration system whose inspector was:

8 (1) furnished with a list certified under IC 3-7-29; and

9 (2) not furnished with a certified photocopy of the signature on
10 the affidavit of registration of each voter of the precinct for the
11 comparison of signatures under this section.

12 In case of doubt concerning a voter's identity, the precinct election
13 board shall compare the voter's signature with the signature on the
14 affidavit of registration or any certified copy of the signature provided
15 under IC 3-7-29. If the board determines that the voter's signature is
16 authentic, the voter may then vote. If either poll clerk doubts the voter's
17 identity following comparison of the signatures, the poll clerk shall
18 challenge the voter in the manner prescribed by section 21 of this
19 chapter.

20 ~~(i)~~ **(j)** If, in a precinct governed by subsection ~~(h)~~: **(i)**:

21 (1) the poll clerk does not execute a challenger's affidavit; or

22 (2) the voter executes a challenged voter's affidavit under section
23 22 of this chapter or had executed the affidavit before signing the
24 poll list;

25 the voter may then vote.

26 ~~(j)~~ **(k)** This section expires January 1, 2006.

27 SECTION 4. IC 3-11-8-25.1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section
29 applies after December 31, 2005.

30 (b) After a voter has passed the challengers or has been sworn in,
31 the voter shall be admitted to the polls. Upon entering the polls, the
32 voter shall announce the voter's name to the poll clerks or assistant poll
33 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
34 election board shall require the voter to write the following on the poll
35 list:

36 (1) The voter's name.

37 (2) Except as provided in subsection ~~(f)~~; **(g)**, the voter's current
38 residence address.

39 (c) The poll clerk, an assistant poll clerk, or a member of the
40 precinct election board shall:

41 (1) ask the voter to provide or update the voter's voter
42 identification number;

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(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(d) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

~~(d)~~ **(e)** In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(e)~~ **(f)** If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

~~(f)~~ **(g)** Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 5. IC 9-24-16-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The bureau shall issue an identification card without a photograph or computerized image to an individual who signs a written statement under the penalties for perjury that states that the voter has a religious objection to being photographed.**

SECTION 6. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Senate Bill 483.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 483, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "document" insert "**or documents**".

Page 1, line 4, delete "satisfies" and insert "**satisfy**".

Page 1, delete lines 7 through 8, begin a new line block indented and insert:

"(2) The document:

(A) shows a photograph of the individual to whom the document was issued;

(B) was issued by the bureau of motor vehicles under IC 9-24-16-3.5 to an individual who has a religious objection to being photographed; or

(C) satisfies the documentation requirements:

(i) issued by the bureau of motor vehicles under IC 9-24-11-2; and

(ii) used by the bureau as proof of identification for the new issuance of a driver's license, permit, or identification card."

Page 1, line 9, delete "." and insert "**, or if the document is expired, it expired after the date of the most recent general or municipal election."**

Page 2, line 23, delete "If a voter swears or affirms under the penalties of".

Page 2, delete lines 24 through 29.

Page 3, line 7, delete "If a voter swears or affirms under the penalties of".

Page 3, delete lines 8 through 13.

Page 5, line 9, delete "If a voter swears or affirms under the penalties of".

Page 5, delete lines 10 through 15.

Page 5, after line 34, begin a new paragraph and insert:

"SECTION 5. IC 9-24-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. The bureau shall issue an identification card without a photograph or computerized image to an individual who signs a written statement under the penalties for perjury that states that the voter has a religious objection to being photographed.

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SECTION 6. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to SB 483 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 2.

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